

**Kansas Department of Agriculture**  
**Division of Food Safety and Lodging**  
1320 Research Park Drive, Manhattan, KS 66502  
(office) 785-564-6767 (fax) 785-564-6779

**KANSAS FOOD ESTABLISHMENT INSPECTION REPORT**

**Insp Date:** 5/26/2015      **Business ID:** 119173FE  
**Business:** IN AND OUT FOOD MART

5940 LEAVENWORTH RD  
KANSAS CITY, KS 66104

**Inspection:** 40001466  
**Store ID:**  
**Phone:** 9137882786  
**Inspector:** KDA40  
**Reason:** 12 Expired License  
**Results:** Follow-up

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
05/26/15	09:50 AM	12:30 PM	2:40	0:20	3:00	0	
Total:			2:40	0:20	3:00	0	

**FOOD ESTABLISHMENT PROFILE**

Updated Risk Category RAC# 06 High Risk      Updated Size Range 1. Under 5,000 sq feet  
Insp. Notification Email      Sent Notification To \_\_\_\_\_      Lic. Insp. No  
Priority(P) Violations 6      Priority foundation(Pf) Violations 4  
Certified Manager on Staff         Address Verified p      Actual Sq. Ft. 0  
Certified Manager Present   

**INSPECTION INFORMATION**

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of food-borne illness or injury. Public health interventions are control measures to prevent food-borne illness or injury. Good Retail Practices are preventative measures to control the addition of pathogens, chemicals and physical objects into foods. Violations cited in this report must be corrected within the time frames entered below, or as stated in sections 8-405.11 of the food code.

P=Priority Violation, Pf=Priority foundation violation, HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

IF YOU HAVE ANY QUESTIONS PLEASE VISIT [www.agriculture.ks.gov](http://www.agriculture.ks.gov), EMAIL [fsl@kda.ks.gov](mailto:fsl@kda.ks.gov), OR CALL (785) 564-6767.

COMPLIANCE KEY: Y=in compliance; N=not in compliance; O=not observed; A=not applicable; C=corrected on-site during inspection; R=repeat violation.

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

**Demonstration of Knowledge**

1. Certification by accredited program, compliance with Code, or correct responses.

**Employee Health**

2. Management awareness; policy present.

3. Proper use of reporting, restriction and exclusion.

Y   N   O   A   C   R

..   ..   p   ..   ..   ..

Y   N   O   A   C   R

..   ..   p   ..   ..   ..

..   ..   p   ..   ..   ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## Good Hygienic Practices

4. Proper eating, tasting, drinking, or tobacco use

Y N O A C R

p .. .. . . .

5. No discharge from eyes, nose and mouth.

p .. .. . . .

## Preventing Contamination by Hands

6. Hands clean and properly washed.

p .. .. . . .

7. No bare hand contact with RTE foods or approved alternate method properly followed.

p .. .. . . .

8. Adequate handwashing facilities supplied and accessible.

.. p .. .. p ..

<i>Fail Notes</i>	6-301.11	<i>Pf - Each HANDWASHING SINK or group of two adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap. [No soap available at the hand sink by the ice machine. COS-provided. ]</i>
	6-301.12	<i>Pf - Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS shall be provided with: Individual, disposable towels; a continuous towel system that supplies the user with a clean towel; a heated-air hand drying device; or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. [No paper towels available at the unisex restroom hand sink or at the hand sink by the ice machine. COS-provided. ]</i>

## Approved Source

9. Food obtained from approved source.

Y N O A C R

p .. .. . . .

10. Food received at proper temperature.

.. .. p .. .. .

11. Food in good condition, safe and unadulterated.

.. p .. .. p ..

<i>Fail Notes</i>	3-101.11	<i>P - FOOD shall be safe, UNADULTERATED, and honestly presented. [In the pizza prep table, there was an open container of tzatziki sauce without date marking. Employee had no knowledge as to when the container had been open. He stated it was a long time ago and that they do not use it. COS-discarded. ]</i>
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12. Required records available: shellstock tags, parasite destruction.

.. .. . p .. ..

## Protection from Contamination

13. Food separated and protected.

Y N O A C R

.. p .. .. p ..

<i>Fail Notes</i>	3-302.11(A)(1)(b)	<i>P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from Cooked READY-TO-EAT FOOD. [In the kitchen 7Up RIC, there was a container of raw chicken stored above containers of butter flavor and buffalo sauce. In the WIC, raw shell eggs were stored above containers of milk. COS-moved. ]</i>
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# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## Protection from Contamination

Y N O A C R

*Fail Notes* 3-302.11(A)(2) *P - Cross Contamination by type (separate equipment) - FOOD shall be protected from cross contamination by separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by: using separate EQUIPMENT for each type; arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented; or, preparing each type of FOOD at different times or in separate areas*  
*[In the kitchen 7Up RIC, raw chicken was stored above raw fish. COS-moved. ]*

14. Food-contact surfaces: cleaned and sanitized.

.. p .. .. ..

*Fail Notes* 4-602.11(E)(4) *Non-PHF/TCS Food Contact Surface Cleaning Frequency (ice bins, soda nozzles) Surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cleaned, in EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT: at a frequency specified by the manufacturer; or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.*  
*[There is mold/algai on the divider plate in the ice machine. ]*

4-702.11 *P - Sanitizing Before Use, After Cleaning - UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.*  
*[No sanitizer availabe in establishment. Employee reported he had been washing equipment with soap & water then rinsing. Not sanitizing. ]*

15. Proper disposition of returned, previously served, reconditioned and unsafe food.

p .. .. ..

## Potentially Hazardous Food Time/Temperature

Y N O A C R

16. Proper cooking time and temperatures.

p .. .. ..

***This item has Notes. See Footnote 1 at end of questionnaire.***

17. Proper reheating procedures for hot holding.

.. .. p .. ..

18. Proper cooling time and temperatures.

.. .. p .. ..

19. Proper hot holding temperatures.

p .. .. ..

***This item has Notes. See Footnote 2 at end of questionnaire.***

20. Proper cold holding temperatures.

p .. .. ..

***This item has Notes. See Footnote 3 at end of questionnaire.***

21. Proper date marking and disposition.

.. p .. .. p ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## Potentially Hazardous Food Time/Temperature

Y N O A C R

*Fail Notes*    3-501.18(A)(2)    *P - RTE PHF/TCS, Disposition (discard if in a container w/out a date) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared or opened and held in a FOOD ESTABLISHMENT for more than 24 hours shall be discarded if it is not clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days, with the day of preparation counted as Day 1. [The creamer machine had open bags of cream without date marking. PIC indicated the bags had been open for approximately 10 days. COS-discarded. ]*

22. Time as a public health control: procedures and record.

.. .. . p .. ..

## Consumer Advisory

Y N O A C R

23. Consumer advisory provided for raw or undercooked foods.

.. .. . p .. ..

## Highly Susceptible Populations

Y N O A C R

24. Pasteurized foods used; prohibited foods not offered.

.. .. . p .. ..

## Chemical

Y N O A C R

25. Food additives: approved and properly used.

.. .. . p .. ..

26. Toxic substances properly identified, stored and used.

.. p .. .. p ..

*Fail Notes*    7-301.11(B)    *P - Retail Chemical Storage (Not Above Food, etc.) POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. [On the sales floor, bags of cotton candy were stored under packages of air freshener. COS-moved. ]*

## Conformance with Approved Procedures

Y N O A C R

27. Compliance with variance, specialized process and HACCP plan.

.. .. . p .. ..

## GOOD RETAIL PRACTICES

### Safe Food and Water

Y N O A C R

28. Pasteurized eggs used where required.

.. .. . p .. ..

29. Water and ice from approved source.

p .. .. . .. ..

30. Variance obtained for specialized processing methods.

.. .. . p .. ..

### Food Temperature Control

Y N O A C R

31. Proper cooling methods used; adequate equipment for temperature control.

p .. .. . .. ..

***This item has Notes. See Footnote 4 at end of questionnaire.***

32. Plant food properly cooked for hot holding.

.. .. . p .. ..

33. Approved thawing methods used.

p .. .. . .. ..

34. Thermometers provided and accurate.

.. p .. .. . ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## Food Temperature Control

Y   N   O   A   C   R

*Fail Notes*    4-302.12(A)    *Pf - Food Temperature Measuring Devices (Provided & Accessible) FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of required FOOD temperatures.  
[No thermometer available in the kitchen Pepsi RIC, kitchen 7Up RIC or in the pizza prep table. ]*

## Food Identification

Y   N   O   A   C   R

35. Food properly labeled; original container.

..   p   ..   ..   ..   ..

*Fail Notes*    3-602.11(C)    *Bulk food - self service (Labeling) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER: the manufacturer's or processor's label that was provided with the FOOD; or, a card, sign, or other method of notification that includes the common name of the FOOD, a list of the ingredients in descending order by predominance of weight, and the name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient.  
[No ingredients list available for customer self-service donuts. ]*

## Prevention of Food Contamination

Y   N   O   A   C   R

36. Insects, rodents and animals not present.

p   ..   ..   ..   ..   ..

***This item has Notes. See Footnote 5 at end of questionnaire.***

37. Contamination prevented during food preparation, storage and display.

..   p   ..   ..   p   ..

*Fail Notes*    3-305.11(A)(1)    *Food storage - Except as specified in ¶¶ (B) and (C) of 3-305.11, FOOD shall be protected from contamination by storing the FOOD: in a clean, dry location; where it is not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor.  
[In WIC, candy bars stored on the floor. COS-moved. In the WIF, pastries and pizza toppings stored on the floor. COS-moved. ]*

38. Personal cleanliness.

p   ..   ..   ..   ..   ..

39. Wiping cloths: properly used and stored.

..   p   ..   ..   p   ..

*Fail Notes*    3-304.14(B)(1)    *Wiping cloths (Storage) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be held between uses in a chemical sanitizer solution at an appropriate concentration.  
[wet wipe cloth stored on prep table. COS-removed. ]*

40. Washing fruits and vegetables.

..   ..   p   ..   ..   ..

## Proper Use of Utensils

Y   N   O   A   C   R

41. In-use utensils: properly stored.

..   p   ..   ..   p   ..

*Fail Notes*    3-304.12(A)    *In-use utensil storage (Handles above top of container) Except as specified under 3-304.12(B), during pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored in the FOOD with their handles above the top of the FOOD and the container.  
[single use styrofoam cup without handles stored in container of sugar. COS-removed. ]*

42. Utensils, equipment and linens: properly stored, dried and handled.

..   p   ..   ..   p   ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Proper Use of Utensils			Y	N	O	A	C	R
Fail Notes	4-903.11(A)	Cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored: In a clean, dry location; Where they are not exposed to splash, dust, or other contamination; and, At least 15 cm (6 inches) above the floor. [in kitchen, by pizza prep table, pizza boxes stored on floor. COS-moved. ]						
43. Single-use and single-service articles: properly used.			p				p	
Fail Notes	4-502.13(A)	SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused. [single use styrofoam cup stored in container of sugar. COS-discarded. ]						
44. Gloves used properly.			p					
Utensils, Equipment and Vending			Y	N	O	A	C	R
45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used- P and Pf items			p					
Fail Notes	4-101.11	P - Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD.						
45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used- Core items			p					
46. Warewashing facilities: installed, maintained, and used; test strips.				p			p	
Fail Notes	4-302.14	Pf - A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided. [No test kit for either quat or bleach was available in establishment. COS-provided. ]						
47. Non-food contact surfaces clean.			p					
Physical Facilities			Y	N	O	A	C	R
48. Hot and cold water available; adequate pressure.			p					
49. Plumbing installed; proper backflow devices.			p					
Fail Notes	5-205.15(B)	Plumbing system (Maintained) A PLUMBING SYSTEM shall be maintained in good repair. [The hand sink by the ice machine does not readily drain. ]						
50. Sewage and waste water properly disposed.			p					
51. Toilet facilities: properly constructed, supplied and cleaned.			p					
52. Garbage and refuse properly disposed; facilities maintained.			p					
53. Physical facilities installed, maintained and clean.			p					
54. Adequate ventilation and lighting; designated areas used.				p				
Fail Notes	6-202.11(A)	Except as specified in ¶ 6-202.11(B), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES. [light bulbs above the ice machine area are not shielded. Light bulbs in kitchen are not shielded. ]						
Administrative/Other			Y	N	O	A	C	R
55. Other violations				p			p	

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Administrative/Other

Y N O A C R

Fail Notes	K.S.A. 65-689(a)	<i>It shall be unlawful for any person to engage in the business of conducting a food establishment or food processing plant unless such person shall have in effect a valid license therefor issued by the secretary. [Establishment operating continuously since 3./31/15 without a valid license. COS-application provided, completed and payment provided. ]</i>
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EDUCATIONAL MATERIALS

The following educational materials were provided      p

Material Distributed	Education Title #09	Did You Wash 'Em Flier
	Education Title #10	Did You Wash 'Em Sign / Sticker

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

chicken wings cooked to 194F.

## **Footnote 2**

### **Notes:**

Hot display bin: egg rolls at 136F, fish fillet at 165F, chicken tenders at 151F.  
hot dog roller: hot dog at 140F.

## **Footnote 3**

### **Notes:**

Customer True RIC: miguel burrito at 37F.  
Pizza Prep: tomatoes at 38F, beef crumbles at 41F, tzatziki sauce at 42F.

## **Footnote 4**

### **Notes:**

Pizza hot case: ambient at 155F.  
kitchen 7Up RIC: ambient at 40F. kitchen Pepsi RIC: ambient at 43F.

## **Footnote 5**

### **Notes:**

PIC indicated the establishment is serviced on a monthly basis by a pest control company.



## VOLUNTARY DESTRUCTION REPORT

**Insp Date:** 5/26/2015      **Business ID:** 119173FE  
**Business:** IN AND OUT FOOD MART

5940 LEAVENWORTH RD  
KANSAS CITY, KS 66104

**Inspection:** 40001466  
**Store ID:**  
**Phone:** 9137882786  
**Inspector:** KDA40  
**Reason:** 12 Expired License

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05/26/15	09:50 AM	12:30 PM	2:40	0:20	3:00	0	
Total:			2:40	0:20	3:00	0	

### ACTIONS

Number of products Voluntarily Destroyed 2

### VOLUNTARY DESTRUCTION REPORT

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by the above named Inspector, representative of the Kansas Department of Agriculture.

I hereby release the Kansas Department of Agriculture, and its members, agents, and representatives from any and all liability.

1. Product cream Qty 1 Units bag Value \$ 5.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product tzatziki Qty 2 Units ubs Value \$ 10.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

## NOTICE OF NON COMPLIANCE WITH KANSAS LAW

**Insp Date:** 5/26/2015      **Business ID:** 119173FE  
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## NOTICE OF NON COMPLIANCE WITH KANSAS LAW

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012 includes K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate food establishments and food processing plants.

The Kansas Food, Drug and Cosmetic Act requires that all violations shall be corrected no later than 10 days after this inspection unless otherwise directed on this form.

Failure to comply with the food safety law and its regulations may result in embargo of non-compliant products; immediate closure of your establishment; civil penalties of up to \$1,000.00 per violation; denial of license renewal, modification, suspension and/or revocation of any license or authority issued pursuant to the food safety law; and/or any other penalty authorized by law. Pursuant to K.S.A. 65-619 et seq, licensees issued authority under the Kansas Food, Drug and Cosmetic Act may apply to the secretary for an extension of the time prescribed above.

Follow up Scheduled 06/05/15

Inspection Report Number 40001466

Inspection Report Date 05/26/15

Establishment Name IN AND OUT FOOD MART

Physical Address 5940 LEAVENWORTH RD City KANSAS CITY  
Zip 66104

### Additional Notes and Instructions

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